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10 Attorneys for Defendant JOHN MUIR HEALTH

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 EDEN A. CABUYAON,

14 Case No. C09-04554 JSW

15 Plaintiff,

16 **STIPULATION TO VACATE ALL DATES**
AND [PROPOSED] ORDER THEREON

17 vs.

18 JOHN MUIR HEALTH, a California
19 corporation, and DOES 1 - 100, Inclusive,

20 Defendants.

21 [Assigned to Honorable Jeffrey S. White,
Courtroom 11]

22 **STIPULATION**

23 Plaintiff EDEN A. CABUYAON and Defendant JOHN MUIR HEALTH, by and
24 through their respective counsel, hereby stipulate and agree as follows:

25 WHEREAS, Plaintiff and Defendant have reached a settlement regarding this
matter and a formal settlement document is currently being circulated for review;

26 WHEREAS, it is anticipated that the settlement will be finalized and a Request for
Dismissal With Prejudice will be filed with the court by November 30, 2009;

27 WHEREAS, the Court may vacate Defendant's pending Notice of Motion and
Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be

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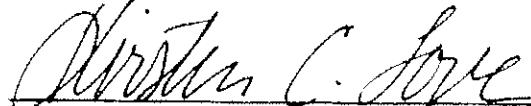
1 Granted scheduled for November 13, 2009 and the Case Management Conference scheduled for
2 January 15, 2010.

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4 DATED: October 20, 2009

Respectfully submitted,

5 MUSICK, PEELER & GARRETT LLP

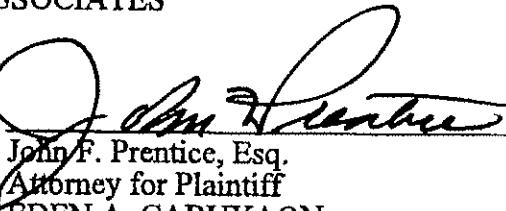
6 By: 

7 Kirsten C. Love, Esq.
8 Attorneys for Defendant
9 JOHN MUIR HEALTH

10 DATED: October 20, 2009

Respectfully submitted,

11 LAW OFFICES OF JOHN F. PRENTICE
12 & ASSOCIATES

13 By: 

14 John F. Prentice, Esq.
15 Attorney for Plaintiff
16 EDEN A. CABUYAON

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STIPULATION TO VACATE ALL DATES AND [PROPOSED]
ORDER THEREON (CASE NO. C 09-04554 JSW)

[PROPOSED] ORDER

2 Pursuant to the stipulation of the parties, by and through their respective counsel,
3 and good cause appearing therefor, all hearing and conference dates in this matter shall be vacated
4 and the parties shall have until November 30, 2009 to file a Request for Dismissal in this matter.

IT IS SO ORDERED.

7 DATED: October 27, 2009

Honorable Jeffrey S. White